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Attorney's Docket: 2002CH204

REMARKS

The Office Action mailed October 12, 2006, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-20 are pending in this Application. By this Amendment, claims 1, 5, 9, 11 – 13, 17 and 18 have been amended while claim 15 has been cancelled. Applicant has added new claims 21-23. In addition, the abstract has been amended. The claims under consideration are, therefore, believed to include claims 1-14 and 16-23.

Specification

The Office comments upon Applicant's Abstract. The Office states, "the language should be clear and concise and should not repeat information given in the title." The Abstract has been amended eliminating extraneous language. It is respectfully believed that the objection to the Abstract has been respectfully overcome.

Claim Objections

Claim 9 stands objected to as the word "process" is omitted from the claim. Claim 9 has been amended to add the word "process."

Claim 15 stands objected to under 37 CFR § 1.75(c) as being in improper form. Claim 15 has been cancelled.

Under these circumstances, it is believed that the claim objections have been overcome.

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Claim Rejection Under 35 USC § 101

Claim 15 stands rejected to as being directed to non-statutory subject matter. Claim 15 has been cancelled, thereby making this rejection mute.

Claim Rejections Under 35 USC § 112, Second Paragraph

Claims 1-20 stand rejected under 35 USC § 112, second paragraph, as being indefinite. Specifically, the Office references claim 5 as being indefinite. By this amendment, Applicants have amended claim 5 eliminating the language "larger than" from the claim thereby allowing it to read as follows. "wherein the particle size of the pellets is from 2.0mm to 4.0mm."

Concerning the Office's statement that "the claims are generally narrative and indefinite, failing to conform to U.S. practice." Applicant respectfully disagrees. In the event the Office is of the position that a particular claim fails to conform to U.S. practice and is therefore indefinite, the Office is courteously requested to point out the particular claim and the language of such claim which allegedly violates 35 USC § 112, second paragraph.

In the view of the foregoing, it is respectfully contended that the 35 USC § 112, second paragraph rejections have been overcome.

Claim Rejections Under 35 USC § 102

Claims 1-12, 14 and 16-19 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 5,151,324 to Hanatani et al. This rejection is respectfully overcome.

Applicant has amended independent claim 1 to recite that the pellets or micro pellets are of one or more single pigment concentrates and one or more additive concentrates; two or more single pigment concentrates or two or more additive concentrates. A single pigment concentrate includes a carrier resin and a pigment and the pigment is present in an amount between 20% and 80% by weight of the single pigment concentrate. Hanatani does not disclose this aspect of its invention as in column 3, lines 1-16, wherein Hanatani describes the addition of a pigment, such pigment is used in parts by weight, not weight percent. Specifically, Hanatani

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discloses 20 parts by weight of pigment to 100 parts by weight of olefin. Using 20 parts by weight yields a weight percentage of 16.7% which is below that which is claimed by the instant invention. Therefore, with respect to that aspect of the claimed invention, Hanatani does not anticipate.

Also concerning claim 1, when the micro pellets or pellets include two or more additive concentrates, Applicant has defined that the one or more additive concentrate includes a carrier resin and an active ingredient and has added a Markush group that states the active ingredient is selected from a particular subset of functional compounds that impart a particular functionality on the micro pellets. Hanatani does not disclose, teach or suggest these active ingredients. And in consequence, Hanatani et al. can not anticipate the instantly claimed invention.

In view of the foregoing, it is respectfully contended that the 35 USC § 102 rejections have been overcome.

Claim Rejections Under 35 USC § 103

Claims 13 and 20 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent 5,151,324 Hanatani et al. as applied to claim 12 above and further in view of U.S. Patent 5,262,471 to Akao. This rejection is respectfully overcome. As both claim 13 and 20 indirectly depend from independent claim 1, for all the reasons advanced with respect to the § 102 rejection of claims 1-12, 14 and 15-19 under Hanatani, it is respectfully contended that claims 13 and 20 are not made obvious by any combination of Hanatana et al. and Akao.

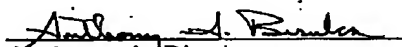
In view of the foregoing, it is respectfully contended that the 35 USC § 103 rejection has been overcome.

In view of the foregoing amendments and remarks, it is respectfully contended that the rejections of record have been overcome. In consequence, Applicant courteously solicits reconsideration and withdrawal of the rejections.

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The present application is now believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the attorney for Applicant at the telephone number provided below.

Respectfully submitted,


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